

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): LABRIE, et al
 US APPLN. SERIAL NO.: 09/786,305
 INT. APPLN. NO.: PCT/US99/13592
 INT. FILING DATE: 16 JUNE 1999
 TITLE: APPARATUS FOR DEPLOYING AN AIR BAG
 THROUGH A HARD PANEL
 PCT LEGAL ATTNY ADVISOR: JAMES THOMSON
 DOCKET: TRM DV2539

Mail Stop PCT
 ATTN: Office of PCT Legal Administration
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

07/10/2003 LLANDGRA 00000075 09786305

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130.00 OP

PETITION UNDER 37 C.F.R. 1.181

Applicants hereby file a Petition Under 37 C.F.R. 1.181 to correct the name of inventor Mr. Jack Kennedy, listed in the international application no. PCT/US99/13592, to Mr. John Kennedy. Applicants note that in the May 5, 2003 Decision on Applicants Third Renewed Petition Under 37 CFR 1.47(a), the PCT Examiner (James Thomson) urged Applicants to file the instant petition under 37 CFR 1.181 for the following reasons. See attached May 5, 2003 Decision. This Petition is therefore believed to be timely filed. The fee required under 37 C.F.R. 1.17(h) is enclosed.

In the May 5, 2003 Decision on Applicants Third Renewed Petition Under 37 CFR 1.47(a) to accept national stage filing PCT/US99/13592 (i.e., U.S. Appl. No. 09/786,305), Applicants demonstrated and it was held that inventor Mr. Daniels refused

to join in the application. Accordingly, the requirements under 37 CFR 1.47 had been satisfied with respect to Mr. Daniels.

In addition, the Decision on Applicants Third Renewed Petition Under 37 CFR 1.47 (a) held that Applicants had demonstrated that a diligent effort had been made to locate Mr. Kennedy, another co-inventor. Accordingly, it was held that the requirements had been satisfied under 37 CFR. 1.47 with respect to Mr. Kennedy.

However, the PCT Examiner did correctly note that there was a discrepancy in this case. Specifically, the PCT Examiner observed that the international publication listed the name of Mr. Kennedy as Mr. Jack J. Kennedy, while the declaration submitted on November 8, 2001 in the national stage application listed Mr. Kennedy as Mr. John J. Kennedy. Accordingly, the PCT Examiner urged Applicants to file the instant petition under 37 C.F.R. 1.181 if the international publication was incorrect.

Applicants note that the international publication was incorrect, but only in the sense that it identified Mr. Jack J. Kennedy of 920 Irving, Royal Oak, Michigan 48067 as Mr. **Jack** J. Kennedy, due to the fact the name "Jack" is the nickname of Mr. Kennedy. See attached copy of face page of international publication. With that in mind, Applicants note that in the declaration submitted on November 8, 2001, Mr. Kennedy's formal name was correctly written as Mr. John J. Kennedy of 920 Irving, Royal Oak, Michigan 48067.

In support of the above, Applicants attach hereto a copy of the PCT Power of Attorney that apparently was the cause of the confusion in this case, wherein Mr. Kennedy's nickname had been typed in as Mr. Jack J. Kennedy of 920 Irving, Royal Oak, Michigan, 48067. It can be seen that Mr. Kennedy himself corrected this matter and

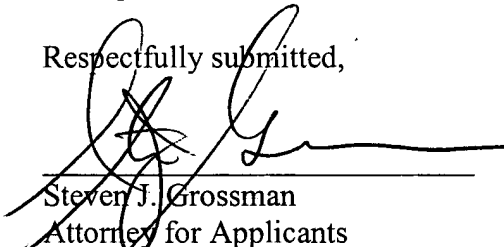
inserted the name "John" for "Jack", and signed as Mr. John J. Kennedy of 920 Irving, Royal Oak, Michigan, 48067. However, the PCT/US99/13592 published with the nickname Jack J. Kennedy, and the source of confusion was born.

The above being the case, Applicants thereby submit this Petition under 37 C.F.R. 1.181 as urged by the PCT Examiner, and request that the Commissioner hold that name of Mr. Jack J. Kennedy that appears in the international publication is incorrect (i.e. it is the nickname of Mr. John J. Kennedy), and that this national stage application U.S. 09/786,305 be allowed to proceed to examination on the merits.

In the event the Examiner deems personal contact is necessary, please contact the undersigned attorney at (603) 668-6560.

In the event there are any fee deficiencies or additional fees payable, please charge them (or credit any overpayment) to our Deposit Account No. 50-2121.

Respectfully submitted,



Steven J. Grossman
Attorney for Applicants
Reg. No. 35,001

Grossman, Tucker, Perreault & Pfleger, PLLC
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CERTIFICATE OF EXPRESS MAILING

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I hereby certify that this paper and the papers listed thereon are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above, and is addressed to MAIL STOP PCT - ATTN: OFFICE of PCT LEGAL ADMINISTRATION, Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450

Signature of person mailing: Carol McClelland

Name of person mailing: Carol McClelland



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GROSSMAN, TUCKER,
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In re Application of
LABRIE, Craig B *et al*
U.S. Application No.: 09/786,305
PCT No.: PCT/US99/13592
Int. Filing Date: 16 June 1999
Priority Date: 19 June 1998
Attorney Docket No.: TRM DV2539
For: APPARATUS FOR DEPLOYING AN
AIR BAG ...

DECISION ON THIRD
RENEWED PETITION
UNDER 37 CFR 1.47(a)



This decision is in response to applicants' "Third Renewed Petition Under 37 CFR 1.47(a)" ("3d.Ren.Pet.") submitted 29 January 2003.

BACKGROUND

On 29 August 2002, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed for failing to meet all of the requirements.

On 29 January 2003, applicants filed the instant renewed petition which was accompanied by, *inter alia*, a three-month extension request and extension fee, and copies of several pages of an internet search for one of the nonsigning co-inventors.

DISCUSSION

In this third renewed petition, counsel clarifies that with respect to Mr. Daniels, applicants seeks acceptance for filing under 37 CFR 1.47 because Mr. Daniels "has refused to sign." 3d.Ren.Pet. at ¶ 2.

Counsel has detailed all of the facts concerning the alleged refusal by Mr. Daniels including stating that a copy of the specification, claims and drawings were sent to Mr. Daniels and that he was contacted by phone and asked if he would review the application papers but that he refused. *Id.* at # 2. Counsel asserts that he has direct knowledge of the alleged refusal by Mr. Daniels. Counsel claims that he again tried to have Mr. Daniels review the application papers by sending the complete application to his last known address. However, the mail was forwarded to another address and finally the mail was returned to counsel unopened. Counsel maintains that "Mr. Daniels had apparently moved again and elected not to provide a forwarding address." *Id.* at #3.

This is sufficient to show a refusal by Mr. Daniels. His last home address will be changed to reflect the updated information to:

2675 Greenstone Dr., #908
Auburn Hills, MI 48326

With regard to the inability to locate Mr. Kennedy, in the renewed petition counsel detailed the facts used to contact Mr. Kennedy including performing another internet search using other possible name combinations including Jack J. Kennedy (which is the name listed on the international publication ("WO 99/65738") for PCT/US99/13592. These statements and the documentary evidence provided are sufficient to prove that a diligent effort was made to locate Mr. Kennedy.

Therefore, item (2) of 37 CFR 1.47(a) is now satisfied.

However, applicants have not addressed the problem with Mr. Kennedy's first name outlined in the 29 August 2002 decision. The international publication lists the name of Mr. Kennedy as Jack J. Kennedy while the declaration submitted 08 November 2001 in the above-captioned national stage application lists Mr. Kennedy as John J. Kennedy. There is no record that a change in the name of the applicant/inventor pursuant to PCT Rule 92bis was made by the International Bureau.

Therefore, the declaration filed in the above-captioned application on 08 November 2001 is not in compliance with 37 CFR 1.497(a)(3) because it does not properly identify each inventor. Consequently, item (4) of 37 CFR 1.47(a) is also not satisfied.

Applicants must address this discrepancy by providing either a new declaration listing the correct name for Mr. Kennedy, a petition under 37 CFR 1.181 if the international publication is incorrect, or a petition under 37 CFR 1.182 if Mr. Kennedy legally changed his name. See MPEP § 605.04(c).

CONCLUSION

For the reason discussed above, applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Applicants are advised that, effective May 1, 2003, the Office is changing its correspondence address. Any further correspondence with respect to this matter



deposited with the United States Postal Service on or after May 1, 2003 should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson
Attorney Advisor
PCT Legal Office

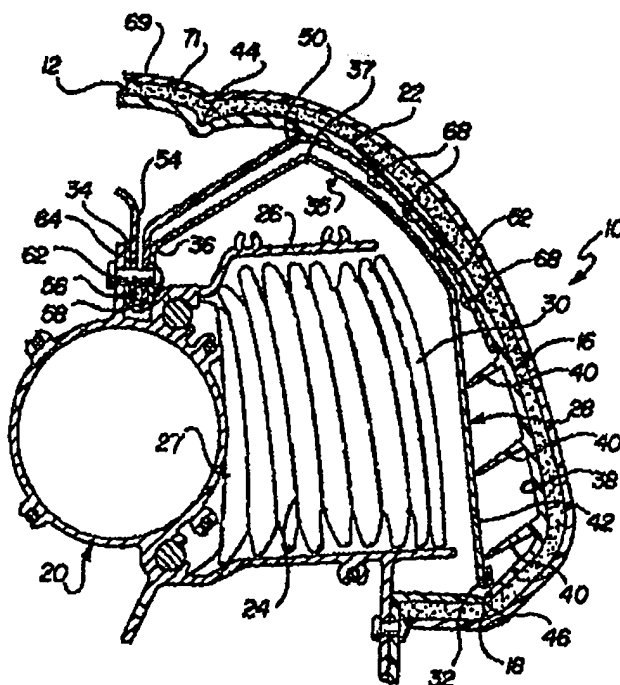
Tel.: (703) 308-6457



INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification ⁶ : B60R 21/20		A1	(11) International Publication Number: WO 99/65738
			(43) International Publication Date: 23 December 1999 (23.12.99)
(21) International Application Number: PCT/US99/13592		Jr. [-/US]; 13 Wil Nor Avenue, Somersworth, NH 03878 (US).	
(22) International Filing Date: 16 June 1999 (16.06.99)		(74) Agent: JONES, Eric, T.; Reising, Ethington, Barnes, Kisselle, Learman & Mc, Culloch, P.C., P.O. Box 4390, Troy, MI 48099 (US).	
(30) Priority Data: 60/089,863 19 June 1998 (19.06.98) US 60/089,836 19 June 1998 (19.06.98) US		(81) Designated States: AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).	
(71) Applicant (for all designated States except US): TEXTRON AUTOMOTIVE COMPANY INC. [US/US]; 750 Stephenson Highway, Troy, MI 48083 (US).		Published With international search report. Before the expiration of the time limit for amending the claims and to be republished in the event of the receipt of amendments.	
(72) Inventors; and (75) Inventors/Applicants (for US only): LABRIE, Craig, B. [-/US]; 59 Upper Factory Road, Dover, NH 03820 (US). STAWICKI, Edwin, V. [-/US]; 3972 Chevron, Highland, MI 48356 (US). MORREN, Nelson, J. [-/US]; 7677 Fillmore, Hudsonville, MI 49426 (US). KENNEDY, Jack, J. [-/US]; 920 Irving, Royal Oak, MI 48067 (US). DANIELS, Vernon, A. [-/US]; 160 Channes Circle, Brooklyn, MI 49230 (US). ROGERS, Jimmy, C. [-/US]; 543 Route 9, Berwick, ME 03901 (US). GRAY, John, D. [-/US]; 279 Bridge Street, Union, NH 03887 (US). BATCHELDER, Bruce, A. [-/US]; 45 Wadleigh Falls Road, Lee, NH 03824 (US). GALLAGHER, Michael, J. [-/US]; 325 Winnacunnnet Road, Hampton, NH 03842 (US). RHODES, Richard, D.,			
(54) Title: APPARATUS FOR DEPLOYING AN AIR BAG THROUGH A HARD PANEL			
(57) Abstract			

An apparatus for deploying an air bag through an automotive dash panel (12) includes an air bag door (16) integrally formed in the panel and defined by a door perimeter including a frangible edge (18) of reduced cross section. A dispenser (20) supports the air bag (24) behind the door. A metal reaction plate (28) is positioned between the air bag (24) and the door (16). When the air bag inflates, it forces the reaction plate (28) to bend around a horizontal hinge line (36). As the reaction plate pivots it concentrates inflation force along a lower portion of the frangible door edge. This helps to predictably separate the door from the dash panel by tearing along the lower door edge and allowing the tear to propagate up two side edges. In one embodiment, the tear also propagates across an upper edge to completely separate the door from the panel. At least one, and preferably two or three tethers (50) limit how far the door can travel during air bag inflation. A stop member may be included to limit reaction plate bending. After deployment, the reaction plate remains in a position that prevents the door from returning to its original position. A retaining structure may be included to preclude at least a portion of the air bag door from tearing free of the vehicle panel. A hinge (44) may be embedded in the panel in a position spanning a portion of the door perimeter. A hollow channel may be formed into the panel along the frangible marginal edge to create a substantial strength differential with the door perimeter to promote bending along the hinge and/or to help confine tearing to the frangible marginal edge during air bag deployment.



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POWER OF ATTORNEY

(for an international application filed under the Patent Cooperation Treaty)

(PCT Rule 90.4)

The undersigned applicant(s) (Names should be indicated as they appear in the request)

^{JOHN}
KENNEDY, Jack J.
920 Irving
Royal Oak, Michigan 48067
United States of America

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hereby appoints (appoint) the following person as:



agent



common representative

Name and address

(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

EVANS, John C.; FODALE, Francis J.; JONES, Eric T.;
STEVENS, James D.; SCHRAMM, William J.
REISING, ETHINGTON, BARNES, KISSELLE,
LEARMAN & McCULLOCH, P.C.
P.O. Box 4390
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United States of America

to represent the undersigned before



all the competent International Authorities



the International Searching Authority only



the International Preliminary Examining Authority only

in connection with the international application identified below:

Title of the invention: APPARATUS FOR DEPLOYING AN AIRBAG
THROUGH A HARD PANEL

Applicant's or agent's file reference: FP0764-3/TAC

International application number (if already available): PCT/US99/13592

filed with the following Office United States Patent & Trademark Office as receiving Office
and to make or receive payments on behalf of the undersigned.

Signature of the applicant(s) (where there are several applicants, each of them must sign; next to each signature, indicate the name of the person signing and the capacity in which the person signs, if such capacity is not obvious from reading the request or this power);

John
Jack J. Kennedy
Applicant and Inventor

Date:

8-10-99